

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

ATRATECHJAPAN CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	
)	
CHI MEI OPTOELECTRONICS USA, INC.;)	Civil Action No.:5:08cv137
LG ELECTRONICS U.S.A., INC.;)	
MITSUBISHI DIGITAL ELECTRONICS)	
AMERICA, INC.; PHILIPS CONSUMER)	
ELECTRONICS; SAMSUNG)	
ELECTRONICS AMERICA, INC.;)	
VIZIO, INC.; and TOSHIBA AMERICA)	
CONSUMER PRODUCTS, L.L.C.,)	
)	
Defendants.)	
_____)	

PLAINTIFF'S SECOND AMENDED COMPLAINT

Plaintiff, AtratechJapan Corporation (“Atratech”), brings this action against Defendants Chi Mei Optoelectronics USA, Inc. (“Chi Mei”), LG Electronics U.S.A., Inc., (“LG Electronics”), Mitsubishi Digital Electronics America, Inc. (“Mitsubishi”), Philips Consumer Electronics (“Philips”) (a.k.a. Philips Consumer Electronics North America), Samsung Electronics America, Inc. (“Samsung”), Vizio, Inc. (“Vizio”), and Toshiba America Consumer Products, LLC (“Toshiba”) (herein, collectively, “Defendants”) and for its cause of action alleges:

THE PARTIES

1. Plaintiff is a corporation organized and existing under the laws of Japan, with an address at WBG Marive East, 2-6 Nakase, Mihama-ku, Chiba-shi, Chiba 261-7114, Japan.

2. Upon information and belief, Chi Mei is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 101 Metro Drive, Suite 510, San Jose, California 95110-1343. Chi Mei has been served with process by serving its registered agent CT Corporation System at 350 N. Saint Paul Street, Dallas, Texas 75201-4201.

3. Upon information and belief, LG Electronics is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632-3302. LG Electronics has been served with process by serving its registered agent, United States Corporation Co., 701 Brazos Street, Suite 1050, Austin, Texas 78701-3232.

4. Upon information and belief, Mitsubishi is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 9351 Jeronimo Road, Irvine, California 92618-1904. Mitsubishi has been served with process by serving its registered agent, CT Corporation System, 350 N. Saint Paul Street, Dallas, Texas 75201-4201.

5. Upon information and belief, Philips has its principal place of business at 64 Perimeter Center East, Atlanta, Georgia 30046-6400. Philips has been served with process by serving its President, Stewart Muller, at 64 Perimeter Center East, Atlanta, Georgia 30046-6400, but has not yet answered.

6. Upon information and belief, Samsung is a corporation organized and existing under the laws of the State of New York, with its principal place of business at 105 Challenger Road, Ridgefield Park, New Jersey 07660-2106. Samsung has been served with process by serving its registered agent, CT Corporation System, 350 N. Saint Paul St., Dallas, Texas 75201-4201.

7. Upon information and belief, Vizio is a corporation organized and existing under the laws of the State of California, with its principal place of business at 39 Tesla, Irvine, California 92618-4603. Vizio has been served with process by serving its agent for receipt of service, William Wang, at 39 Tesla, Irvine, California 92618-4603.

8. Upon information and belief, Toshiba is a corporation organized and existing under the laws of the State of New Jersey, with its principal place of business at 82 Totowa Road, Wayne, New Jersey 07470. Toshiba can been served with process by serving its agent for receipt of service, CT Corporation System, at 350 North St. Paul Street, Dallas, Texas 75201.

THE PATENT

9. On August 15, 2006, United States Patent No. 7,090,387, entitled “Back Light Illuminating Unit” was duly and legally issued (the “‘387 patent”). A true and correct copy of the ‘387 patent is attached as Exhibit A.

10. Pursuant to 35 U.S.C. § 282, the ‘387 patent is presumed valid.

11. Plaintiff is the owner by assignment of the entire right, title, and interest in the ‘387 Patent.

JURISDICTION AND VENUE

12. This action arises under the patent laws of the United States, Title 35 United States Code, particularly §§ 271 and 281. This Court has jurisdiction over the claim for patent infringement under 28 U.S.C. § 1338(a). Venue is proper in this Court under Title 28 United States Code §§ 1391(b) and (c) and 1400(b).

13. Chi Mei, upon information and belief, transacts business in this district by using, selling or offering to sell products as described and claimed in the ‘387 patent and/or by

conducting other business in this judicial district sufficient to render it subject to jurisdiction in this district.

14. LG Electronics, upon information and belief, transacts business in this district by using, selling or offering to sell products as described and claimed in the '387 patent and/or by conducting other business in this judicial district sufficient to render it subject to jurisdiction in this district.

15. Mitsubishi, upon information and belief, transacts business in this district by using, selling or offering to sell products as described and claimed in the '387 patent and/or by conducting other business in this judicial district sufficient to render it subject to jurisdiction in this district.

16. Philips, upon information and belief, transacts business in this district by using, selling or offering to sell products as described and claimed in the '387 patent and/or by conducting other business in this judicial district sufficient to render it subject to jurisdiction in this district.

17. Samsung, upon information and belief, transacts business in this district by using, selling or offering to sell products as described and claimed in the '387 patent and/or by conducting other business in this judicial district sufficient to render it subject to jurisdiction in this district.

18. Vizio, upon information and belief, transacts business in this district by using, selling or offering to sell products as described and claimed in the '387 patent and/or by conducting other business in this judicial district sufficient to render it subject to jurisdiction in this district.

19. Toshiba, upon information and belief, transacts business in this district by using, selling or offering to sell products as described and claimed in the '387 patent and/or by conducting other business in this judicial district sufficient to render it subject to jurisdiction in this district.

PATENT INFRINGEMENT COUNT

20. Chi Mei, on information and belief, makes, uses, sells, or offers to sell products that infringe claims of the '387 patent, including at least claim 1, and/or claims 2-20, including for example and without limitation the V370H1 LCD TV, V420B1 LCD TV, V420H1 LCD TV, V470H1 LCD TV, V470K1 LCD TV, V520H1 LCD TV, V562D1 LCD TV, V570H1 LCD TV models, as well as the backlight unit for the 42 LG50 LCD TV, and any other back light illuminating unit used in additional Chi Mei models or other brand models, as described and claimed in the '387 patent.

21. LG Electronics, on information and belief, makes, uses, sells, or offers to sell products that infringe claims of the '387 patent, including at least claim 1, and/or claims 2-20, including for example and without limitation the 37LG60 LCD TV, 32LG70 LCD TV, 42LG70 LCD TV, 47 LG70 LCD TV, 32LG30 LCD TV, 37LG30 LCD TV, 37LG50 LCD TV, 52LG60 LCD TV, 42 LG50 LCD TV models, as well as the back light illuminating units used in additional LG Electronics models, as described and claimed in the '387 patent.

22. Mitsubishi, on information and belief, makes, uses, sells, or offers to sell products that infringe claims of the '387 patent, including at least claim 1, and/or claims 2-20, including for example and without limitation the LT-40148 LCD TV, LT-46148 LCD TV, LT-52148 LCD TV, LT 52244 LCD TV, LT-46244 LCD TV, LT-40134 LCD TV, LT-52144 LCD TV, LT-46144 LCD TV, LT-52133 LCD TV, LT-46133 LCD TV, and LT-40133 LCD TV models, as

well as any other back light illuminating unit used in additional Mitsubishi models, as described and claimed in the '387 patent.

23. Philips, on information and belief, makes, uses, sells, or offers to sell products that infringe claims of the '387 patent, including at least claim 1, and/or claims 2-20, including for example and without limitation the 32PFL3403D/27, 32PFL3403D/F7, 32PFL5403D/27, 32PFL5403D/F7, 42PFL3403D/27, 42PFL3403D/F7, 42PFL3603D/27, 42PFL3603D/F7, 42PFL5603D/27, 42PFL5603D/F7, 42PFL7403D/27, 42PFL7403D/F7, 42PFL7603D/27, 42TAG6488X/37, 42TAG6488X/F7, 47PFL3603D/27, 47PFL3603D/F7, 47PFL5422D/27, 47PFL5603D/27, 47PFL5603D/F7, 47PFL7403D/27, 47PFL7403D/F7, 52PFL3603D/27, 52PFL3603D/F7, 52PFL5603D/27, 52PFL5603D/F7, 52PFL7403D/27, 52PFL7403D/F7, 52PFL7432D/37, and 52PFL7603D/27 models, as well as any other back light illuminating unit used in additional Philips models, as described and claimed in the '387 patent.

24. Samsung, on information and belief, makes, uses, sells, or offers to sell products that infringe claims of the '387 patent, including at least claim 1, and/or claims 2-20, including for example and without limitation the LN32A550 LCD TV, LN40A750 LCD TV, LN32A330 LCD TV, LN32A650 LCD TV, LN52A750 LCD TV, LN46A750 LCD TV, LN40A530 LCD TV, LN46A530 LCD TV, LN46A540 LCD TV, LN52A540 LCD TV, LN40A330 LCD TV, LN37A550 LCD TV, LN40A540 LCD TV, LN37A530 LCD TV, LN32A540 LCD TV, LN40A650 LCD TV, LN40A550 LCD TV, LN52A550 LCD TV, LN46A650 LCD TV, LN52A550 LCD TV, LN46A550 LCD TV, LN37A330 LCD TV, LNT4096F LCD TV models, as well as any other back light illuminating unit used in additional Samsung models, as described and claimed in the '387 patent.

25. Vizio, on information and belief, makes, uses, sells, or offers to sell products that infringe claims of the '387 patent, including at least claim 1, and/or claims 2-20, including for example and without limitation the VX52LF LCD TV, GV47LF LCD TV, VO47LF LCD TV, VW47LF LCD TV, SV47OXVT LCD TV, GV46LF LCD TV, VW46LF LCD TV, VS42LF LCD TV, VW42L LCD TV, VX42L LCD TV, VU42LF LCD TV, GV42LF LCD TV, SV42OXT LCD TV, VW42LF LCD TV, VO42LF LCD TV, VW37L LCD TV, VU37L LCD TV, VO37L LCD TV, VX37L LCD TV, VU32L LCD TV, VX32L LCD TV, VO32L LCD TV, VW32L LCD TV, VO42L LCD TV models, as well as any other back light illuminating unit used in additional Vizio models, as described and claimed in the '387 patent.

26. Toshiba, on information and belief, makes, uses, sells, or offers to sell products that infringe claims of the '387 patent, including at least claim 1, and/or claims 2-20, including for example and without limitation the 52XV545U LCD TV, 52XV540U LCD TV, 52RV535U LCD TV, 46XV545U LCD TV, 46XV540U LCD TV, 46RV535U LCD TV, 46RV525U LCD TV, 42XV545U LCD TV, 42XV540U LCD TV, 42RV535U LCD TV, 40RV525U LCD TV, 40RV52U LCD TV, 37CV510U LCD TV, 32AV502U LCD TV, 37AV52U LCD TV, 32CV510U LCD TV, 32CV50U LCD TV, 32AV502U LCD TV, 26AV502U LCD TV, 26AV52U LCD TV, 26AV50U LCD TV models, as well as any other back light illuminating unit used in additional Toshiba models, as described and claimed in the '387 patent.

27. By so making, using, selling, and offering to sell the aforementioned products, Defendants have been and continue to infringe, either literally or by equivalents, and either directly or by contribution, Plaintiff's rights in the '387 patent.

28. The infringement of the '387 patent alleged above has injured Plaintiff and thus, it is entitled to recover damages adequate to compensate for Defendants' infringement, which in no event can be less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of judgment:

A. That Defendants, Chi Mei, LG Electronics, Mitsubishi, Philips, Samsung, Vizio, and Toshiba have infringed one or more claims of the '387 patent.

B. That Defendants, Chi Mei, LG Electronics, Mitsubishi, Philips, Samsung, Vizio, and Toshiba account for and pay to Plaintiff all damages caused by the infringement of the '387 patent, which by statute can be no less than a reasonable royalty;

C. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendants, Chi Mei, LG Electronics, Mitsubishi, Philips, Samsung, Vizio, and Toshiba's infringement of the '387 patent;

D. That Plaintiff be granted its attorneys' fees in this action;

E. That costs be awarded to Plaintiff;

F. That Plaintiff be granted such other and further relief that is just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all claims and issues so triable.

DATED: March 9, 2009

Respectfully submitted,

/s/ Matthew J.M. Prebeg

Matthew J.M. Prebeg

Texas Bar No. 00791465

Edward W. Goldstein

Texas Bar No. 08099500
Alisa A. Lipski
Texas Bar No. 24041345
GOLDSTEIN, FAUCETT & PREBEG L.L.P
1177 West Loop South, Suite 400
Houston, Texas 77027
(713) 877-1515 – Telephone
(713) 877-1737 – Facsimile

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on March 9, 2009. Any other counsel of record will be served by first class U.S. mail.

/s/ Matthew J.M. Prebeg
Matthew J.M. Prebeg